

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Cerveceria Modelo, S.A. de C.V.,)	
)	
Opposer,)	
)	Opposition No. 91157504
vs.)	
)	Serial No. 78/172,568
Banfi Products Corporation)	
)	
Applicant.)	
)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Banfi Products Corporation, by its attorneys, Nixon Peabody LLP, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Banfi has insufficient knowledge or information as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and, therefore, denies said allegations.
2. Banfi has insufficient knowledge or information as to the truth of the allegations of Paragraph 2 of the Notice of Opposition and, therefore, denies said allegations.
3. Banfi has insufficient knowledge or information as to the truth of the allegations of Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations.
4. Banfi has insufficient knowledge or information as to the truth of the allegations of Paragraph 4 of the Notice of Opposition and, therefore, denies said allegations.
5. Banfi has insufficient knowledge or information as to the truth of the allegations of Paragraph 5 of the Notice of Opposition and, therefore, denies said allegations.
6. Banfi states that the last sentence in Paragraph 6 of the Notice of Opposition consists of a conclusion of law as to which no responsive pleading is required. To the extent a

responsive pleading is required, Applicant has insufficient knowledge or information as to the truth of the allegations of Paragraph 6 of the Notice of Opposition and, therefore, denies said allegations.

7. Banfi admits the allegations of Paragraph 7 of the Notice of Opposition.

8. Banfi has insufficient knowledge or information as to the truth of Opposer's "beliefs" as stated in Paragraph 8 of the Notice of Opposition and, therefore, denies said allegations. To the extent Opposer's "beliefs" are intended to constitute allegations of fact, Banfi denies the allegations of Paragraph 8 of the Notice of Opposition.

9. Banfi has insufficient knowledge or information as to the truth of Opposer's "beliefs" as stated in Paragraph 9 of the Notice of Opposition and, therefore, denies said allegations. To the extent Opposer's "beliefs" are intended to constitute allegations of fact, Banfi denies the allegations of Paragraph 9 of the Notice of Opposition.

10. Applicant has insufficient knowledge or information as to the truth of the allegations of Paragraph 10 of the Notice of Opposition and, therefore, denies said allegations.

NIXON PEABODY LLP

Dated: September 24, 2003

By: Kristen M. Walsh

Kristen M. Walsh
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051
Telephone: (585) 263-1000
Facsimile: (585) 263-1600


Attorneys for the Applicant
Banfi Products Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of September, 2003, I caused to be served a true and correct copy of the Applicant's Answer to Notice of Opposition via facsimile and U.S. Mail for delivery upon the following at the fax number and address stated below:

Michael A. DiNardo, Esq.
Yanny & Smith
1925 Century Park East, Suite 1260
Los Angeles, CA 90067
Telephone: (310) 551-2966
Facsimile: (310) 551-1949

Attorneys for the Opposer
Cerveceria Modelo, S.A. de C. V.



Kristen M. Walsh

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attention: Trademark Trial and Appeal Board, Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on September 24, 2003.


Sandra Caruso

Mark: Miscellaneous Crown Design

Serial No.: 78/172,568

Opposition No. 91157504

Cerveceria Modelo, S.A. de C.V. v. Banfi Products Corporation

Attachments:

Applicant's Answer to Notice of Opposition

Certificate of Service

Certificate of Mailing

Cover Letter

Post Card



NIXON PEABODY LLP

ATTORNEYS AT LAW
Clinton Square
Post Office Box 31051
Rochester, New York 14603-1051
(585) 263-1000
Fax: (585) 263-1600
Direct Dial: (585) 263-1065
E-Mail: kwalsh@nixonpeabody.com

THAB

September 24, 2003

VIA FIRST CLASS MAIL

Attention: Trademark Trial and Appeal Board
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Re: **Applicant's Answer to Notice of Opposition**
Cerveceria Modelo, S.A. de C.V. vs. Banfi Products Corporation
Opposition No. 91157504; Serial No.: 78/172,568

Dear Sir or Madam:

On behalf of Banfi Products Corporation, we enclose for filing Applicant's Answer to Notice of Opposition.

Please return the enclosed post card to indicate receipt of these documents.

Please call me at (585) 263-1065 if you require anything further .

Very truly yours,

Kristen M. Walsh

KMW:slc
Enclosure



09-26-2003

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